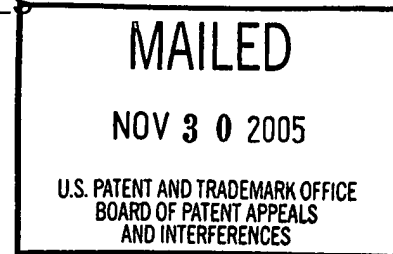


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

\_\_\_\_\_  
Ex parte EUGENE J. ROLLINS,  
SAILENDRA PADALA and  
NORBERT HENDRIKSE



\_\_\_\_\_  
Application No. 09/747,656

\_\_\_\_\_  
ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
\_\_\_\_\_

This application was electronically received at the Board of Patent Appeals and Interferences on September 29, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the file indicates that on February 8, 2005, appellants filed an Appeal Brief under the rules set forth in 37 CFR § 41.37(c). A review of the application reveals that the following sections are missing from the Appeal Brief:

- (1) "Evidence appendix, as set forth in 37 CFR § 41.37(c)(1)(ix); and
- (2) "Related proceedings appendix" as set forth in 37 CFR § 41.37 (c)(1)(x).

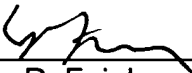
Additionally, the Examiner's Answer is found to be non-compliant with the New Rules set forth 37 CFR § 41.37 effective September 13, 2004. It is required that a new Examiner's Answer be provided in compliance with the new rules

Accordingly, it is

**ORDERED** that the application is returned to the examiner to:

- have the appellants submit a supplemental Appeal Brief containing the missing appendices in compliance with the new rules set forth in 37 CFR § 41.37 (c) ;
- vacate the previous Examiner's Answer and submit a revised Examiner's Answer in accordance with the new rules effective September 13, 2004; and
- for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

  
\_\_\_\_\_  
Craig R. Feinberg  
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